

As Passed by the Senate

128th General Assembly

Regular Session

2009-2010

Sub. H. B. No. 393

Representatives Gerberry, Blessing

Cosponsors: Representatives Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, Williams, B., Winburn Senators Fedor, Grendell, Turner, Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer, Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn

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A B I L L

To amend sections 311.06, 313.07, 317.321, 505.87, 1
and 1711.15 and to enact sections 5.033 and 5.034 2
of the Revised Code, to amend Section 701.05 of 3
Am. Sub. H.B. 1 of the 128th General Assembly, and 4
to amend Section 701.20 of Am. Sub. H.B. 562 of 5
the 127th General Assembly, as subsequently 6
amended, to revise the notice required to be 7
provided by a board of township trustees to a 8
landowner and any lienholder for a subsequent 9
nuisance determination made within 12 months after 10
a nuisance determination was made regarding the 11
same property, to authorize maintenance of a 12
sheriff's or coroner's office outside the county 13
seat of justice, to increase the maximum portion 14
of recording fees that may be earmarked for county 15
recorders' equipment funds, to authorize a board 16

of county commissioners that provides financial 17
assistance to a county agricultural society to 18
provide such assistance from the county's 19
permanent improvement fund, to authorize a 20
single-county solid waste management district to 21
make a loan to a port authority in the same county 22
for use by the authority to assist facilities that 23
provide general health services in that county, to 24
adopt the spotted salamander as the state 25
amphibian and the bullfrog as the state frog, to 26
change the report deadline of the Ohio Legislative 27
Commission on the Education and Preservation of 28
State History from July 1, 2010, to September 1, 29
2010, and to declare an emergency. 30

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 311.06, 313.07, 317.321, 505.87, and 31
1711.15 be amended and sections 5.033 and 5.034 of the Revised 32
Code be enacted to read as follows: 33

Sec. 5.033. The salamander, *Ambystoma maculatum*, commonly 34
known as the spotted salamander, is the official amphibian of the 35
state. 36

Sec. 5.034. The frog, *Rana catesbeiana*, commonly known as the 37
bullfrog, is the official frog of the state. 38

Sec. 311.06. (A) The sheriff's office shall be maintained at 39
the county seat of justice, or at another location as provided in 40
division (B) of this section, in such rooms as the board of county 41
commissioners provides for that purpose. Such office shall be 42
furnished with all necessary furniture, blankbooks, stationery, 43

and blanks at the expense of the county. 44

(B) With the consent of the sheriff, the board of county 45
commissioners may provide by resolution for establishment of the 46
primary office of the sheriff at a location outside the county 47
seat of justice. The adoption of the resolution and the location 48
of the sheriff's primary office shall be entered on the journal of 49
the board. The board shall give reasonable public notice of its 50
action taken pursuant to this division in accordance with division 51
(F) of section 121.22 of the Revised Code. 52

Sec. 313.07. (A) There may be established in the county seat 53
of justice, or at another location as provided in division (B) of 54
this section, suitable quarters, laboratories, and equipment 55
necessary for the proper performance of the duties of the coroner. 56
Such quarters shall be known as the coroner's office, laboratory, 57
and county morgue. 58

(B) With the consent of the coroner, the board of county 59
commissioners may provide by resolution for establishment of the 60
primary quarters, laboratory, and equipment of the coroner at a 61
location outside the county seat of justice. The adoption of the 62
resolution and the location of the coroner's primary quarters, 63
laboratory, and equipment shall be entered on the journal of the 64
board. The board shall give reasonable public notice of its action 65
taken pursuant to this division in accordance with division (F) of 66
section 121.22 of the Revised Code. 67

Sec. 317.321. (A) Not later than the first day of October of 68
any year, the county recorder may submit to the board of county 69
commissioners a proposal for the acquisition or maintenance of 70
micrographic or other equipment or for contract services. The 71
proposal shall be in writing and shall include at least the 72
following: 73

(1) A request that an amount not to exceed ~~four~~ seven dollars of the fee collected for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury and designated as "general fund moneys to supplement the equipment needs of the county recorder";

(2) The number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code that will be designated as "general fund moneys to supplement the equipment needs of the county recorder" if the request submitted under division (A)(1) of this section is approved by the board of county commissioners.

The proposal may include a description or summary of the micrographic or other equipment, or maintenance thereof, that the county recorder proposes to acquire, or the nature of contract services that the county recorder proposes to utilize. If the county recorder has no immediate plans for the acquisition of equipment or services, the proposal shall explain the general needs of the office for equipment and shall state that the intent of the proposal is to reserve funds for the office's future equipment needs.

(B) The board of county commissioners shall receive the 106
proposal and the clerk shall enter it on the journal. At the same 107
time, the board shall establish a date, not sooner than fifteen 108
nor later than thirty days after the board's receipt of the 109
proposal, on which to meet with the recorder to review the 110
proposal. 111

(C) Not later than the fifteenth day of December of any year 112
in which a proposal is submitted under division (A) of this 113
section, the board of county commissioners shall approve, reject, 114
or modify the proposal and notify the county recorder of its 115
action on the proposal. If the board rejects or modifies the 116
proposal, it shall make a written finding that the request is for 117
a purpose other than for acquiring, leasing, or otherwise 118
obtaining micrographic or other equipment or contracts for use by 119
the county recorder or that the amount requested is excessive as 120
determined by the board. If the board approves the proposal, it 121
shall request the establishment of a special fund under section 122
5705.12 of the Revised Code for any fees designated as "general 123
fund moneys to supplement the equipment needs of the county 124
recorder." 125

(D) The acquisition or maintenance of micrographic or other 126
equipment and the acquisition of contract services shall be 127
specifically governed by sections 307.80 to 307.806, 307.84 to 128
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 129
section 5705.41 of the Revised Code. 130

Sec. 505.87. (A) A board of township trustees may provide for 131
the abatement, control, or removal of vegetation, garbage, refuse, 132
and other debris from land in the township, if the board 133
determines that the owner's maintenance of that vegetation, 134
garbage, refuse, or other debris constitutes a nuisance. 135

(B) At least seven days before providing for the abatement, 136

control, or removal of any vegetation, garbage, refuse, or other 137
debris, the board of township trustees shall notify the owner of 138
the land and any holders of liens of record upon the land that: 139

(1) The owner is ordered to abate, control, or remove the 140
vegetation, garbage, refuse, or other debris, the owner's 141
maintenance of which has been determined by the board to be a 142
nuisance; 143

(2) If that vegetation, garbage, refuse, or other debris is 144
not abated, controlled, or removed, or if provision for its 145
abatement, control, or removal is not made, within seven days, the 146
board shall provide for the abatement, control, or removal, and 147
any expenses incurred by the board in performing that task shall 148
be entered upon the tax duplicate and become a lien upon the land 149
from the date of entry. 150

The board shall send the notice to the owner of the land by 151
certified mail if the owner is a resident of the township or is a 152
nonresident whose address is known, and by certified mail to 153
lienholders of record; alternatively, if the owner is a resident 154
of the township or is a nonresident whose address is known, the 155
board may give notice to the owner by causing any of its agents or 156
employees to post the notice on the principal structure on the 157
land and to photograph that posted notice with a camera capable of 158
recording the date of the photograph on it. If the owner's address 159
is unknown and cannot reasonably be obtained, it is sufficient to 160
publish the notice once in a newspaper of general circulation in 161
the township. ~~The~~ 162

(C) If a board of township trustees determines within twelve 163
consecutive months after a prior nuisance determination that the 164
same owner's maintenance of vegetation, garbage, refuse, or other 165
debris on the same land in the township constitutes a nuisance, at 166
least four days before providing for the abatement, control, or 167
removal of any vegetation, garbage, refuse, or other debris, the 168

board shall give notice of the subsequent nuisance determination 169
to the owner of the land and to any holders of liens of record 170
upon the land as follows: 171

(1) The board shall send written notice by first class mail 172
to the owner of the land and to any lienholders of record. Failure 173
of delivery of the notice shall not invalidate any action to 174
abate, control, or remove the nuisance. Alternatively, the board 175
may give notice to the owner by causing any of its agents or 176
employees to post the notice on the principal structure on the 177
land and to photograph that posted notice with a camera capable of 178
recording the date of the photograph on it. 179

(2) If the owner's address is unknown and cannot reasonably 180
be obtained, it is sufficient to post the notice on the board of 181
township trustee's internet web site for four consecutive days, or 182
to post the notice in a conspicuous location in the board's office 183
for four consecutive days if the board does not maintain an 184
internet web site. 185

(D) The owner of the land or holders of liens of record upon 186
the land may enter into an agreement with the board of township 187
trustees providing for either party to the agreement to perform 188
the abatement, control, or removal before the time the board is 189
required to provide for the abatement, control, or removal under 190
division ~~(C)~~(E) of this section. 191

~~(C)~~(E) If, within seven days after notice is given under 192
division (B) of this section, or within four days after notice is 193
given under division (C) of this section, the owner of the land 194
fails to abate, control, or remove the vegetation, garbage, 195
refuse, or other debris, or no agreement for its abatement, 196
control, or removal is entered into under division ~~(B)~~(D) of this 197
section, the board of township trustees shall provide for the 198
abatement, control, or removal and may employ the necessary labor, 199
materials, and equipment to perform the task. All expenses 200

incurred, when approved by the board, shall be paid out of the 201
township general fund from moneys not otherwise appropriated, 202
except that if the expenses incurred exceed five hundred dollars, 203
the board may borrow moneys from a financial institution to pay 204
for the expenses in whole or in part. 205

~~(D)~~(F) The board of township trustees shall make a written 206
report to the county auditor of the board's action under this 207
section. The board shall include in the report a proper 208
description of the premises and a statement of all expenses 209
incurred in providing for the abatement, control, or removal of 210
any vegetation, garbage, refuse, or other debris as provided in 211
division ~~(C)~~(E) of this section, including the board's charges for 212
its services, the costs incurred in providing notice, any fees or 213
interest paid to borrow moneys, and the amount paid for labor, 214
materials, and equipment. The expenses incurred, when allowed, 215
shall be entered upon the tax duplicate, are a lien upon the land 216
from the date of the entry, shall be collected as other taxes, and 217
shall be returned to the township and placed in the township 218
general fund. 219

Sec. 1711.15. In any county in which there is a duly 220
organized county agricultural society, the board of county 221
commissioners or the county agricultural society itself may 222
purchase or lease, for a term of not less than twenty years, real 223
estate on which to hold fairs under the management and control of 224
the county agricultural society, and may erect suitable buildings 225
on the real estate and otherwise improve it. 226

In counties in which there is a county agricultural society 227
that has purchased, or leased, for a term of not less than twenty 228
years, real estate as a site on which to hold fairs or in which 229
the title to the site is vested in fee in the county, the board of 230
county commissioners may erect or repair buildings or otherwise 231

improve the site and pay the rental of it, or contribute to or pay 232
any other form of indebtedness of the society, if the director of 233
agriculture has certified to the board that the county 234
agricultural society is complying with all laws and rules 235
governing the operation of county agricultural societies. The 236
board may appropriate from the county's general fund or permanent 237
improvement fund any amount that it considers necessary for any of 238
those purposes. 239

Section 2. That existing sections 311.06, 313.07, 317.321, 240
505.87, and 1711.15 of the Revised Code are hereby repealed. 241

Section 3. Notwithstanding division (G) of section 8 3734.57 242
of the Revised Code, beginning on the effective date of 9 this 243
section and ending ninety days after the effective date of 10 this 244
section, the board of county commissioners of a solid waste 11 245
management district established under Chapter 3734. of the 12 246
Revised Code that consists of a single county may enter into an 13 247
agreement with a port authority, as defined in section 4582.01 14 248
of the Revised Code, that is in existence on the effective date 15 249
of this section to loan money to the port authority if both of 16 250
the following apply: 251

(A) The balance of the district's fund that is required to 18 252
be created under division (G) of section 3734.57 of the Revised 19 253
Code is greater than one million dollars on the date on which 20 254
the loan is made. 255

(B) The port authority to which the loan will be made is 22 256
located in the same county as the solid waste management 23 257
district. 258

The amount of a loan that is made under this section shall 25 259
not exceed seventy-five per cent of the balance of the 26 260
district's fund as the balance exists on the date on which the 27 261

loan is made. The port authority shall repay the loan not later 28 262
than one hundred eighty days after the date on which the loan is 263
29 made. The port authority shall use money from the loan to 30 264
assist facilities that provide general health services and that 31 265
are located in the same county as the port authority. 266

Section 4. That Section 701.05 of Am. Sub. H.B. 1 of the 267
128th General Assembly be amended to read as follows: 268

Sec. 701.05. (A) There is hereby created the Ohio Legislative 269
Commission on the Education and Preservation of State History 270
consisting of the following members: 271

(1) Three members of the Senate appointed by the President of 272
the Senate, one of whom shall be from the minority party and be 273
recommended by the Minority Leader of the Senate; 274

(2) Three members of the House of Representatives appointed 275
by the Speaker of the House of Representatives, one of whom shall 276
be from the minority party and be recommended by the Minority 277
Leader of the House of Representatives; 278

(3) Three members appointed by the Governor who shall have 279
specific knowledge regarding museum or archive management. 280

The Commission may appoint nonvoting members to the 281
Commission who represent state agencies, educational institutions, 282
or private organizations and who have expertise in museum or 283
archive management. 284

(B)(1) Appointments shall be made to the Commission not later 285
than thirty days after the effective date of this section. A 286
member of the Senate appointed by and so designated by the 287
President of the Senate shall be the chairperson of the 288
Commission. A member of the House of Representatives appointed by 289
and so designated by the Speaker of the House of Representatives 290
shall be the vice-chairperson of the Commission. The Commission 291

shall meet as often as necessary to carry out its duties and 292
responsibilities. Members of the Commission shall serve without 293
compensation. 294

(2) The Legislative Service Commission shall provide 295
professional and technical support that is necessary for the Ohio 296
Legislative Commission on the Education and Preservation of State 297
History to perform its duties. 298

(C) The Ohio Legislative Commission on the Education and 299
Preservation of State History shall do all of the following: 300

(1) Review the overall delivery of services and instruction 301
on Ohio's history by organizations that have individually received 302
in the previous two bienniums a total of at least one million 303
dollars in funding through legislative appropriation for their 304
operations. The review shall include a needs assessment with 305
regard to each organization for all of the following: 306

(a) Historic sites owned or managed by the organization; 307

(b) Archives owned or maintained by the organization; 308

(c) Programs offered by the organization; 309

(d) The governance structure of the organization; 310

(e) A comparison of the organization's operations with the 311
operations of organizations that are located inside and outside 312
the state and that have similar functions. 313

(2) Following the review, make recommendations on all of the 314
following: 315

(a) Improving the efficiency of the organizations; 316

(b) Alternative methods for the performance or discharge of 317
state-mandated functions and other functions by the organizations; 318

(c) Best practices regarding governance structures for the 319
organizations; 320

(d) Any other recommendations that the Commission determines 321
to be necessary. 322

(3) Identify alternative public and private funding sources 323
to support the organizations. 324

(D) The Commission shall issue a report of its findings and 325
recommendations to the President of the Senate, the Speaker of the 326
House of Representatives, and the Governor not later than ~~July~~ 327
September 1, 2010. Upon submission of the report, the Commission 328
shall cease to exist. 329

Section 5. That existing Section 701.05 of Am. Sub. H.B. 1 of 330
the 128th General Assembly is hereby repealed. 331

Section 6. That Section 701.20 of Am. Sub. H.B. 562 of the 332
127th General Assembly, as amended by Am. Sub. H.B. 1 of the 128th 333
General Assembly, be amended to read as follows: 334

Sec. 701.20. (A) The Ohio Commission on Local Government 335
Reform and Collaboration shall develop recommendations on ways to 336
increase the efficiency and effectiveness of local government 337
operations, to achieve cost savings for taxpayers, and to 338
facilitate economic development in this state. In developing the 339
recommendations, the commission shall consider, but is not limited 340
to, the following: 341

(1) Restructuring and streamlining local government offices 342
to achieve efficiencies and cost savings for taxpayers and to 343
facilitate local economic development; 344

(2) Restructuring and streamlining special taxing districts 345
and local government authorities authorized by the constitution or 346
the laws of this state to levy a tax of any kind or to have a tax 347
of any kind levied on its behalf, and of local government units, 348
including schools and libraries, to reduce overhead and 349

administrative expenses;	350
(3) Restructuring, streamlining, and finding ways to collaborate on the delivery of services, functions, or authorities of local government to achieve cost savings for taxpayers;	351 352 353
(4) Examining the relationship of services provided by the state to services provided by local government and the possible realignment of state and local services to increase efficiency and improve accountability;	354 355 356 357
(5) Ways of reforming or restructuring constitutional, statutory, and administrative laws to facilitate collaboration for local economic development, to increase the efficiency and effectiveness of local government operations, to identify duplication of services, and to achieve costs savings for taxpayers;	358 359 360 361 362 363
(6) Making annual financial reporting across local governments consistent for ease of comparison; and	364 365
(7) Aligning regional planning units across state agencies.	366
(B)(1) There is hereby created the Ohio Commission on Local Government Reform and Collaboration, consisting of fifteen voting members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. One member shall be appointed by, and shall represent, each of the following organizations: the Ohio Municipal League, the Ohio Township Association, the Ohio School Boards Association, the County Commissioners' Association of Ohio, the Ohio Library Council, and the Ohio Association of Regional Councils. The initial appointments shall be made not later than ninety days	367 368 369 370 371 372 373 374 375 376 377 378 379 380

after the effective date of this section. Vacancies shall be 381
filled in the manner provided for original appointments. Members 382
are not entitled to compensation for their services. 383

(2) The initial meeting of the commission shall be called by 384
the Governor within forty-five days after the initial appointments 385
to the commission are complete. The commission shall elect two of 386
its members to serve as co-chairpersons of the commission. 387

(C) The commission may create an advisory council consisting 388
of interested parties representing taxing authorities and 389
political subdivisions that are not taxing authorities. The 390
appointment of members to the advisory council is a matter of the 391
commission's discretion. The commission may direct the advisory 392
council to provide relevant information to the commission. 393
Advisory council members are not members of the commission, and 394
may not vote on commission business. 395

(D) The commission may consult with and obtain assistance 396
from state institutions of higher education (as defined in section 397
3345.011 of the Revised Code) and from business organizations for 398
research and data gathering related to its mission. State 399
institutions of higher education and business organizations shall 400
cooperate with the commission. 401

(E) The commission shall issue a report of its findings and 402
recommendations to the President of the Senate, the Speaker of the 403
House of Representatives, and the Governor not later than ~~July~~ 404
September 1, 2010. The commission ceases to exist upon submitting 405
its report. 406

Section 7. That existing Section 701.20 of Am. Sub. H.B. 562 407
of the 127th General Assembly, as amended by Am. Sub. H.B. 1 of 408
the 128th General Assembly, is hereby repealed. 409

Section 8. This act is declared to be an emergency measure 410

necessary for the immediate preservation of the public peace, 411
health, and safety. Immediate action is necessary to extend the 412
deadline for the Ohio Commission on Local Government Reform and 413
Collaboration to submit its report. Therefore, this act shall go 414
into immediate effect. 415